

REMARKS

This is intended as a full and complete response to the Final Office Action dated August 24, 2006, having a shortened statutory period for response set to expire on November 24, 2006. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraphs [0020], [0035], [0038], and [0050] have been amended to correct minor editorial problems. Applicants submit that the amendments do not introduce new matter.

Claim Rejections - 35 U.S.C. § 101

Claims 1 and 3-28 stand rejected under 35 U.S.C. § 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards a final result that is "useful, tangible and concrete."

Applicants respectfully traverse this rejection.

The invention uses storing steps to make a physical transformation in a computer readable storage space, that of the edge definitions. At least one practical application is that these stored edge definitions can be retrieved from the computer readable storage space. A final concrete, useful and tangible result is that the stored edge definitions can be retrieved. Therefore, the claims are believed to be directed to a statutory subject matter that is "useful, tangible and concrete," and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3-7, 10-18 and 20-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Pierre Bensoussan et al.* (USPN 6,581,068, hereinafter "*Bensoussan*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Bensoussan* does not disclose "each and every element as set forth in the claim". For example, with respect to claim 1, *Bensoussan* does not disclose a method for referencing a data selection, from a collection of data, comprising: creating an annotation associated with the plurality of data points; creating an edge definition for plurality of data points comprising information which defines at least two edges that bind the plurality of data points wherein the edge definition comprises a fewer number of data points than the plurality of data points; storing an annotation; and storing the edge definition in association with the annotation in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points. The Examiner argues that *Bensoussan* discloses the foregoing limitations at (col 3, lines 32-43), (col 5, lines 30-39), and (col 12, lines 56-64). However, *Bensoussan* is in fact directed to a method, system and article of manufacture for enhancing the ability to aggregate, analyze and report data from a hierarchical multidimensional database.

Nowhere does *Bensoussan* teach, show, or suggest creating an edge definition. For example, the Examiner maintains that *Bensoussan* teaches creating an edge definition for plurality of data points comprising information which defines at least two edges that bind the plurality of data points at col. 5, lines 30-39. However, this citation is directed to the system in *Bensoussan* having the ease-of-use of a spreadsheet, not defining edges as in a spreadsheet. It follows that *Bensoussan* also does not teach an edge definition that comprises a fewer number of data points than the plurality of data points for which the edge definition is created.

Further, *Bensoussan* at col. 12, lines 56-64 does not teach "storing the edge definition in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points". Col. 12, lines 56-64 merely describes features of a database, and discloses absolutely nothing about "storing an

edge definition” or about storing the edge definition “in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points”.

In this regard, Applicants also note that the Examiner has misconstrued the specific claim language. In particular, the Examiner cites col. 12, lines 56-64 as teaching “storing an edge definition in a manner allowing retrieval of the annotation...”, whereas the claim recites “storing an edge definition in association with the annotation in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points”. Therefore, the claim has not been properly examined. For each of the foregoing reasons, individually and collectively, the Applicants submit that the rejection is improper and request that the rejection be withdrawn and the claims be allowed.

More generally, Applicants submit that *Bensoussan* is simply inapplicable to the present claims. Respectfully, the application of *Bensoussan* appears to be based on a patchwork of otherwise unrelated teachings of *Bensoussan* and/or a mischaracterization of *Bensoussan*. For example, the Examiner suggests *Bensoussan* teaches an annotation at col. 3, lines 32-43, creating an edge definition at col. 5, lines 30-39, and storing the edge definition in association with the annotation in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points at col. 12, lines 56-64. However, even assuming that an annotation is taught at col. 3, lines 32-43 and that an edge definition is taught at col. 5, lines 30-39, there is no apparent connection between these teachings and the teachings at col. 12, lines 56-64, where the Examiner believes a teaching of how the annotation and edge definition are associated in a manner allowing retrieval of the annotation on the basis of the edge definition for a specified set of plurality of data points. As noted above, col. 12, lines 56-64 merely describe generic features of a database.

Regarding independent claims 11 and 17, the Examiner asserts that these claims are similar to claim 1 and are, therefore, rejected for the same reasons given with respect to claim 1. Applicants submit that claims 1, 11 and 17 are not sufficiently similar to allow the rejection of claim 1 to operate as a rejection of claims 11 and 17. For

example, claim 11 recites creating an edge definition for a first selection of data which defines a horizontal edge spanning at least two columns and a vertical edge spanning at least two rows wherein the edge definition comprises a fewer number of data points than the first selection of data. No such limitation is found in claim 1. Therefore, the rejection is *per se* defective and should be withdrawn as it is well-established that "[t]he identical invention must be shown [in a reference] in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). However, to the extent that the Examiner maintains the position that claims 11 and 17 are similar to claim 1, claims 11 and 17 are respectfully believed to be traversed for the reasons given above with respect to claim 1.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 8-9 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bensoussan* in view of *Salomie* (US Publication No. 2003/0052875 A1).

The Examiner concedes that *Bensoussan* does not teach data selection is bound by a surface of a sphere and radius of a sphere, but argues that *Salomie* teaches data selection is bound by a surface of a sphere and radius of a sphere. The Examiner claims it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of *Bensoussan* with the teachings of *Salomie* "to include data selection is bound by a surface of a sphere and radius of a sphere with the motivation to efficiently store, exchange and process data and for the speed and quality of data". These are generic motivations which the Examiner does not explain how exactly these objectives would be achieved.

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in

the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria because neither *Bensoussan* nor *Salomie* teach or suggest all the claim limitations.

As demonstrated above, *Bensoussan* does not teach all the claim limitations, thus Applicants submit the present rejection is obviated. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/
Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)